

## KYRGYZ REPUBLIC (Tier 2)

The Government of the Kyrgyz Republic (or Kyrgyzstan) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Kyrgyz Republic remained on Tier 2. These efforts included identifying more victims than the previous reporting period; updating the criminal code to state that victims should be released from criminal liability from minor crimes committed as trafficking victims; finalizing and adopting standard operating procedures (SOPs) for the majority of ministries responsible for implementing the national referral mechanism (NRM); continuing efforts to repatriate dozens of vulnerable Kyrgyzstani children from potentially exploitative circumstances in armed conflict zones in Iraq and Syria; and with support from an international organization, developing and conducting anti-trafficking training for police and prosecutors. However, the government did not meet the minimum standards in several key areas. The government decreased investigations and prosecutions and did not secure convictions of any traffickers – including cases that involved complicit officials. Authorities relied heavily on international organizations for victim identification and service provision.

**PRIORITIZED RECOMMENDATIONS:** Respecting due process, investigate and, when sufficient evidence exists, criminally prosecute, convict, and sentence traffickers with adequate prison terms, including complicit government officials. \* Increase trafficking-specific training for law enforcement, including in properly charging crimes that meet that trafficking definition – including by contributing to the efforts of international organizations to train police, prosecutors, and judges. \* Continue to finalize, approve, train officials on, and implement SOPs for the NRM. \* Increase efforts to proactively identify trafficking victims, particularly among such vulnerable groups as individuals in commercial sex; LGBTQI+ individuals; women and girls subjected to traditional forced marriage practices and who are victims of violence; Kyrgyzstani migrant workers (returned and abroad), including their families; and People’s Republic of China (PRC) nationals employed at worksites affiliated with the PRC’s Belt and Road Initiative (BRI), as well as within increasingly vulnerable internet recruitment channels. \* Develop mechanisms to prevent trafficking of returned migrants and families that depend on remittances, including by coordinating with international organizations and civil society. \* Ensure foreign victims of trafficking are identified and referred to victims’ services. \* Continue to collaborate with, and provide financial or in-kind support to, civil society organizations assisting victims. \* Implement child-sensitive investigation and prosecution procedures for cases in which children may be human trafficking victims. \* Establish and implement a comprehensive anti-trafficking data collection system for use by law enforcement and inter-ministerial coordinating bodies. \* Eliminate the imposition of all employee-paid recruitment fees on Kyrgyzstani migrant workers.

## PROSECUTION

The government decreased law enforcement efforts. Articles 166 and 170 of the new criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to five years’ imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as kidnapping. During the reporting period, Article 167 on trafficking of children was added to the criminal code, and it prescribed imprisonment

for a term of five to eight years. Prosecutors could also charge traffickers using Article 159 for engaging a person in prostitution through the use of force or the threat of force or fraud, which was punishable by a fine or imprisonment of up to five years if the victim was an adult and five to 10 years' imprisonment under aggravating circumstances, including the involvement of children. It had been previously reported that investigators frequently downgraded trafficking crimes to lesser charges to ease investigation and prosecution, which lead to lesser penalties.

During the calendar year, the government initiated investigations of six trafficking cases, including one sex trafficking case and five forced labor cases under Articles 166 and 170 – compared with 40 cases in 2020, including 24 sex trafficking cases and 16 forced labor cases, and eight cases in 2019, including one sex trafficking case and seven forced labor cases. The government also reported the continuation of seven ongoing investigations from the previous reporting period (two for sex trafficking and five for forced labor). As in prior years, courts continued to investigate trafficking cases under statutes for lesser crimes. The government did not prosecute or secure convictions in any sex trafficking or forced labor cases during the reporting period, compared with three prosecutions and convictions in the previous reporting period. In previous years, some prosecutions initiated under Articles 166 and 170 featured elements that were inconsistent with the definitions of trafficking as established in international law, such as the sale of infants. In June 2021, authorities conducted an operation that investigated saunas in Bishkek and Osh to address sex trafficking; authorities reported that 63 different crimes were uncovered during the enforcement operations but did not indicate if human trafficking was included.

The Kyrgyz Republic's NRM, promulgated in 2019, allowed civil society and international organizations to file criminal complaints on behalf of victims; however, the government did not report if this provision was implemented during the reporting period. In previous years, victim advocates reported a general lack of proactive investigation, particularly of cases in which the victims did not self-report specific complaints. NGO contacts reported that trafficking laws were not equitably enforced and noted that there was no practical mechanism to ensure foreign victims could report trafficking cases to law enforcement. In previous years, civil society continued to report the need for systemic training for law enforcement, prosecutors, and judges, particularly on how to identify victims, work with them as witnesses, and gather evidence beyond victim testimony. According to authorities, inexperienced and poorly trained investigators charged crimes that met the definition of trafficking as lesser crimes in the past. Courts may have improperly dismissed some trafficking cases on the basis of insufficient evidence, including several cases of child sex trafficking. The government, in conjunction with international donors and civil society partners, continued to conduct and participate in training sessions on improving international anti-trafficking cooperation, investigative and prosecutorial best practices, and provision of legal assistance to victims. Authorities did not provide data on the total number of officials participating in these training events, but at least 150 prosecutors and investigators benefited from joint Prosecutor General's Office (PGO) and Ministry of Internal Affairs (MVD) trainings funded by an IO. During the reporting period, the government, with support from an IO, assigned judges to serve as trainers for adjudication and sentencing in mock-trials. In collaboration with an IO, the government conducted training for law enforcement, prosecutors, labor inspectors, and social service providers on the NRM and improving coordination in anti-trafficking efforts. Authorities partnered with an international organization to

develop online courses on detection, investigation, prosecution, and adjudication of cases and treatment of victims. The government made revisions to the Criminal Procedure Code to include Article 520 on conducting procedural actions by means of video and Article 521 on the establishment and activities of joint investigative and operational groups, which became effective in December 2021, to facilitate international cooperation on joint investigations regarding transborder crimes.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year, with law enforcement officials and judges accepting bribes to drop cases and, at times, warning suspects prior to law enforcement operations in recent years. Media reports noted that stigmatization and a corrupt law and justice system were the main reasons individuals did not seek assistance from or report to authorities. International organization experts have noted widespread impunity and lack of effective prosecution. Traffickers were reportedly also able to avoid punishment by offering victims payment to drop cases in prior years. The PGO reported that some cases initiated in the preceding reporting period were closed during this reporting period because victims did not want to cooperate with law enforcement and the PGO, due to mistrust and fear of repercussions. The judicial system continued to feature widespread corruption; during the previous reporting period, the government began investigating two law enforcement officials for potentially facilitating an unspecified trafficking crime; the MVD reported no progress on the investigations. The government did not report any prosecutions or convictions of government employees complicit in trafficking crimes.

## **PROTECTION**

The government increased efforts to protect victims. The government reported identifying five victims during the reporting period – four female victims of sex trafficking and one male victim of forced labor. In addition, an NGO reported identifying, in cooperation with the government, ten orphans who became victims of forced labor; of these, all victims received services from the NGO, and three victims were referred to pro bono legal services. This compared with the government not reporting any victims identified during the previous reporting period. International organizations and NGOs reported identifying 42 victims – seven sex trafficking victims and 35 forced labor victims. International organizations and NGOs reported providing services to 35 victims – eight women and 27 men.

The NRM was adopted in 2019, and it established formal policies on victim identification and referral to care, provision of social services, and protection of victims' personal data, and it did not require victims to participate in a criminal case to receive assistance. It also included provisions that addressed the treatment and proper provision of assistance to children. The government diverted attention and resources to address the pandemic, which contributed to delays in efforts to finalize and implement SOPs for the NRM. Despite these delays, five out of eight ministries responsible for implementing the NRM, the Ombudsman's Office, Border Guard Services, and some local administrations finalized and adopted SOPs during the reporting period, which include victim referral procedures in line with the NRM. According to an IO, victim identification procedures were implemented in accordance with the NRM during the reporting period, such as screening of vulnerable populations, including members of underserved communities. However, civil society reported the NRM lacked specific measures outlining assistance for foreign victims and did not

feature language explaining how NGOs could appeal in instances when the government failed to properly identify victims; foreign nationals, such as Tajiks and Uzbeks, were less likely to be identified as victims of forced labor and referred for services. Authorities did not take steps to monitor PRC workers for forced labor indicators that are common at BRI infrastructure and mining projects. The government trained law enforcement officials on the 2019 NRM during the reporting period, but NGOs have ascribed the government's insufficient victim identification to enduring capacity constraints. Absent sufficiently systematized procedures, some police demonstrated ad hoc efforts to screen and refer potential victims identified in enforcement operations, but they did not provide relevant data. The government continued to grant limited financial and in-kind support to two NGO-run crisis centers that provided services for trafficking victims in Bishkek and Osh; the crisis center in Bishkek provided services to two trafficking victims during the reporting period (compared to zero in 2020 and nine in 2019). The government did not have a policy to provide long-term shelter or residency options for foreign victims. Authorities did not report providing any consular or repatriation assistance to Kyrgyzstani victims identified abroad. The government did not report any repatriations of foreign trafficking victims during the reporting period, compared with one foreign victim repatriated in 2019 and 29 in 2018. The government took steps to repatriate 79 highly vulnerable children born to Kyrgyzstani nationals who had traveled alongside relatives to armed conflict zones in Iraq and Syria; however, observers noted authorities at times did not demonstrate sufficient political will to repatriate adult Kyrgyzstani nationals (including ethnic Uzbek Kyrgyzstani nationals), some of whom reportedly experienced conditions indicative of sex trafficking or forced labor, from refugee camps in these and other conflict areas. Kyrgyzstani consular authorities in Russia reportedly identified two potential Kyrgyzstani trafficking victims detained by Russian law enforcement for drug crimes; the potential victims remained in detention at the end of the reporting period.

Victims remained highly vulnerable to pressure from traffickers to withdraw their complaints or settle cases informally; MVD's witness protection unit reported assisting trafficking victims but provided no additional details. Since 2019, investigative judges have had the ability to receive victim testimony outside of court, or electronically over video calls; however, there was no evidence that victims benefitted from this provision in the last two reporting periods, despite an increase in the use of remote technologies for judicial processes during the pandemic. Government-provided attorneys reportedly lacked knowledge on handling trafficking cases. The government did not maintain or implement child-sensitive procedures for the investigation or prosecution of cases involving child victims. Reports indicate female victims of violence faced multiple barriers to accessing services and justice due to lack of response from authorities, shame, and harmful stereotypes and practices, which were compounded by a lack of shelters and other services. The government reported that individuals convicted of involvement in child sex trafficking were ordered to compensate a victim during the reporting period. A note was added into Article 166 of the criminal code during the reporting period explicitly exempting victims from criminal liability for low-level criminal acts they committed as trafficking victims. Due to a lack of formal identification procedures as part of law enforcement operations on commercial sex establishments, authorities may have detained, arrested, or deported some unidentified victims.

## **PREVENTION**

The government increased efforts to prevent trafficking. The State Migration Service (SMS), which formerly led the anti-trafficking interagency working group and served as the national prevention coordinating body, was disbanded in February 2021 as part of a government restructuring initiative. In November 2021, the government designated the Ministry of Labor, Social Welfare and Migration (MOL) as the anti-trafficking national coordinating body. However, trafficking experts noted that the MOL lacked capacity to carry out these responsibilities; the MOL hired the former SMS trafficking in persons lead to continue serving in the same role. The MOL finalized the 2022-2025 National Action Plan (NAP) and sent it to the Cabinet of Ministers for review and consideration for adoption, which remained pending by the end of the reporting period. The government reported there were delays in finalizing the NAP due to disruptions between the disbanding of the SMS and designating the MOL as the new anti-trafficking lead. The government received input from international organizations and NGOs while drafting of the NAP. The interagency working group, established in 2019 to bring local state, non-state, and international actors together to accelerate implementation of the NRM and improve law enforcement investigations of trafficking cases, did not report meeting during the reporting period. The government cooperated with international organizations and NGOs and continued to conduct awareness campaigns that reached thousands of people throughout the country, including vulnerable youth. In July 2021, the government, in cooperation with civil society and an international organization, launched the annual “100 days against Trafficking in Persons” campaign, which promoted the implementation of the NRM. The government lacked a uniform system of collecting data on its anti- trafficking efforts, which continued to hinder effective self-evaluation. According to a labor union representative, the government continued politically-motivated harassment of labor union activists.

The government, with the support of an IO, continued to operate the Center for Employment of Citizens Abroad, under MOL, that provided an unknown number of individuals with information on employment services, vacancy advertisements, and licensed foreign labor recruitment agencies; it carried out awareness-raising activities on safe migration and legal employment of citizens abroad and offered pre-departure orientation – which included trafficking prevention – for jobseekers. The government maintained a publicly available database of private employment agencies with information on agencies licensed by the government. By law, recruitment agencies could charge a maximum pre-departure fee of 1,000 Kyrgyzstani soms (\$12) to Kyrgyzstani migrant workers seeking employment overseas. The government maintained a safe migration and counter-trafficking hotline that received 15,000 calls from January 2021 to January 2022, but it did not report how many calls were related to trafficking, though one call resulted in the identification of a trafficking victim. The hotline is staffed by two operators and one lawyer who provides legal advice to migrants. The government reported conducting 39 labor inspections, including some unannounced inspections; however, officials did not report these inspections resulting in the identifications of trafficking crimes. NGOs noted the government did not prioritize labor inspections during 2021. The government continued to run, with the support from an IO, a mobile phone application for Kyrgyzstani migrants with information on workers’ rights and contact telephone numbers, including anti-trafficking hotlines and local Kyrgyzstani embassies. The Ministry of Foreign Affairs maintained satellite offices in Russia, which continued to be the primary destination country for Kyrgyzstani labor migrants. During the reporting period, and consistent with previous years, the government worked with international donors to create online awareness materials and hold

consultations on the risks of irregular migration for thousands of prospective Kyrgyzstani migrant workers. Unlike the previous year, the government did not report providing anti-trafficking guidance for its diplomatic personnel. The government did not train its nationals deployed abroad on peacekeeping or other similar missions on trafficking. The government did not report making efforts to reduce the demand for commercial sex acts.

**TRAFFICKING PROFILE:** As reported over the past five years, human traffickers exploit domestic and foreign victims in the Kyrgyz Republic, and they exploit victims from the Kyrgyz Republic abroad. Adult male labor migrants working abroad are reportedly at the highest risk of trafficking. Kyrgyzstani men, women, and children are exploited in forced labor in Russia and Kazakhstan, and to a lesser extent in Turkey, Ukraine, Georgia and other European countries, as well as within the Kyrgyz Republic – specifically in agriculture, construction, textiles, domestic service, and childcare. As a result of a Russian labor migrant re-entry ban applicable to migrants who allegedly violated Russian laws, currently 76,000 thousand Kyrgyzstani migrants are unable to return legally to Russia for work. Kyrgyzstani families on the Russian blacklist often send their children to work in Russia, where they are vulnerable to trafficking. Fearing this blacklist, some unemployed Kyrgyzstani migrant workers likely remain in Russia under irregular immigration status rather than returning home; traffickers may then be able to leverage threats of deportation as a coercive tool to secure and retain their forced labor or to compel them into sex trafficking. Young men and women from rural areas and poor families, children in the child welfare system, and orphans are at high risk for sex trafficking. As Russia’s economic situation continues to deteriorate, Kyrgyzstani migrants in Russia (more than half of whom are women) may be left vulnerable to trafficking, and some may be compelled to return to the Kyrgyz Republic, primarily to the country’s poorest regions, or potentially be encouraged to seek job opportunities in other countries, increasing their risk for trafficking. Widespread unemployment and economic hardship among Kyrgyzstani migrant workers in Russia following the pandemic-related closure of businesses and work sites have led to a significant drop in earned income and remittance transfers, leaving these migrant workers and their families in the Kyrgyz Republic more vulnerable to trafficking – the fluctuations in the value of the ruble and the current economic crisis in Russia have continued to exacerbate these vulnerabilities.

Observers noted a pronounced increase in the use of online recruitment channels by trafficking syndicates during the pandemic. International organizations have expressed concern with victims forced to perform sex acts on webcams; webcam workers sometimes become victims of blackmail, rape, and doxing, which puts them at high risk of trafficking. Sex traffickers exploit Kyrgyzstani women and girls abroad, reportedly in India, Kazakhstan, Russia, South Korea, Turkey, the United Arab Emirates (UAE), and within the country. Women and underage teenaged girls from Uzbekistan and Tajikistan may be exploited in sex trafficking; the southern region of the Kyrgyz Republic is increasingly becoming a destination area for Uzbekistani and Tajikistani citizens who are exploited by sex and labor traffickers. Some men and women from Uzbekistan, Tajikistan, and Turkmenistan transit the country as they migrate to Russia, Kazakhstan, the UAE, and Turkey, where they may be exploited in sex and labor trafficking. PRC nationals employed at mining and construction projects under the auspices of the BRI within the Kyrgyz Republic experience conditions indicative of forced labor.

Within the Kyrgyz Republic, the practice of “bride kidnapping” by Kyrgyzstani men continues to place women and girls at risk of forced marriage that may subsequently lead to sex trafficking and forced labor. Cases of violence against women have drastically increased in the Kyrgyz Republic – along with obstacles to accessing justice and services – and may drive victims to seek and accept unsafe employment opportunities, which can then be exploited by traffickers. Unaccompanied children who engage in begging and children engaged in domestic work – often in the homes of extended family members – are vulnerable to traffickers. Some Kyrgyzstani children are vulnerable to forced labor in agriculture and animal husbandry; NGOs noted that the number of children working in agriculture increased with weak economic conditions due to the pandemic in 2021. Children with disabilities are at high risk of trafficking. Kyrgyzstanis were forced to smuggle drugs, as revealed by an ongoing case in Russia reported by the Kyrgyz government, and according to local NGOs. Some members of the Kyrgyz Republic’s LGBTQI+ communities may be more vulnerable to trafficking. Pervasive social stigma and reports of police brutality against LGBTQI+ individuals attempting to report crimes may also dissuade LGBTQI+ trafficking victims from accessing justice. International organizations and NGOs report some Kyrgyzstani men and boys who travel to Syria, Iraq, and Afghanistan to fight alongside or seek employment within armed groups – including some who are recruited with false promises of job offers in Turkey or elsewhere – are subsequently compelled to remain against their will; are subjected to forced labor in cooking, cleaning, and portering, as well as combatant roles; and/or are forced to suffer sexual slavery. Kyrgyzstani women and children traveling with these individuals, at times under deception, are also vulnerable to sex trafficking and forced labor on arrival; some are reportedly placed alongside other Central Asian family members in makeshift camp communities, where their travel and identity documentation is confiscated and their freedom of movement is restricted. Some of these women report having lost their husbands to armed conflict, after which their economic hardships and confinement in the camps make them vulnerable to coercive local marriages that may subsequently lead to sex trafficking or forced labor.